

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**RAMON ARMAS BORROTO, JR.,**

**Plaintiff,**

**vs.**

**Case No. 5:04cv165-RH/WCS**

**OFFICER McDONALD, et al.,**

**Defendants.**

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**ORDER TO SHOW CAUSE**

In a prior order, doc. 53, the Deputy General Counsel of the Florida Department of Corrections was requested to facilitate service on a missing Defendant in this case. The deadline for responding to that order has now passed. No response has been filed.

At this point, Nurse Donna Kent has not been located, although the prior order noted that in another case, a person with this same name and who worked at the same institution, was able to be served with process after facilitation by the Deputy General Counsel. See case number 5:04cv144. Thus, a second effort will be made to move these proceedings forward. This order to show cause is entered directing a response from the Deputy General Counsel as to whether the prior order was received, and whether the missing Defendant has been located.

The Clerk of Court shall provide a courtesy copy of this Order to the United States Marshal's Service in the event that the missing Defendant's whereabouts are provided by the Deputy General Counsel. This order shall also be provided to the Deputy General Counsel for the Department of Corrections both electronically and through first class mail to ensure receipt. A response to this order to show cause must be filed by **November 9, 2005**, clearly indicating whether service can be facilitated or whether no assistance is possible.

It is noted that these supplemental service orders to aid in facilitating service frequently require multiple orders.<sup>1</sup> It is recognized that this process is a courtesy, but it is beneficial for all concerned, the inmate, the Court, and United States Marshal's service, and the Department. In responding to this order to show cause, it is requested that the Deputy General Counsel advise whether alternative procedures should be utilized to improve the efficiency of this procedure and ensure future compliance.

Accordingly, it is

**ORDERED:**

1. The Clerk of Court shall forward a copy of this order to Susan A. Maher, the Deputy General Counsel for the Florida Department of Corrections, through both first class mail and electronic mail.

2. The Clerk of Court shall forward a courtesy copy of this order to the United States Marshal's Service.

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<sup>1</sup> See cases numbered 5:04cv144; 5:04cv387; 4:02cv 249; 1:01cv112; and 5:03cv177. More than one order was necessary to facilitate service on a missing Defendant.

3. The Deputy General Counsel for the Department of Corrections shall have until **November 9, 2005**, in which to either: (1) inform the United States Marshal in confidence of the present location of Defendant Nurse Donna Kent, (2) make an appearance on her behalf, or (3) advise the Court that neither alternative is possible.

4. Should the Deputy General counsel obtain an address for Defendant Kent and provide that to the United States Marshal's Service, a notice to that effect shall be filed with the Clerk of Court on or before **November 9, 2005**.

5. Should Counsel for the Department be *either* unable to locate Defendant Kent or obtain her consent such that no notice of appearance can be entered, the Deputy General Counsel shall file a notice providing that clarification to the Court on or before **November 9, 2005**.

6. The Deputy General Counsel shall also file a response to this order to show cause explaining whether alternative procedures should be utilized in aiding service of process on former Department of Corrections' employees whose whereabouts are unknown to inmate litigants.

7. The Clerk shall return this file to the undersigned no later than November 9, 2005.

**DONE AND ORDERED** on October 24, 2005.

s/ William C. Sherrill, Jr.  
**WILLIAM C. SHERRILL, JR.**  
**UNITED STATES MAGISTRATE JUDGE**